



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO 80204

Reply to
Attn. of:

NOV 8 1993

SP 94-C-53

Subject: Decreased Benefits Provision—Deadline

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri ED,
(Special Nutrition Programs) Montana OPI, Nebraska ED, North Dakota,
South Dakota, Utah, Wyoming ED

Coordinated Review Effort regulatory changes, published July 17, 1991, establish a time limit of 10 operating days in which to change a child's eligibility in the counting system, once the school food authority has reached the final decision to decrease the child's benefit level (210.7 (c)(1)(ii)(B)). The key to the requirement in 210.7 is the term "final decision." While the regulation, itself, does not define this term, we are defining it to mean the date the school is no longer obligated to provide free or reduced price benefits to a child. In practice, this date would be one of the following: (1) the date the 10 calendar-day period following the notice of adverse action expires, or (2) the date the hearing official upholds the reduction following the appeals process.

Please contact our office if you have any questions on this issue.

Ann C. Hector
for ANN C. HECTOR
Regional Director
Special Nutrition Programs